

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1. (Currently Amended) A ~~device~~ method for ~~insertion~~ inserting a device into a first phalange and a second adjacent phalange so as to fuse the first phalange to the second phalange, comprising:

providing a monolithic substantially elongated member comprised of a resorbable material;

~~wherein the member has~~ connecting a first end portion ~~operable to be connected with~~ to the first phalange, a middle portion, and connecting a second end portion ~~operable to be connected with~~ the second phalange spaced and opposed from the first end portion;

~~wherein the~~ adjusting a middle portion ~~has~~ having a first fixed angle ~~adjustable to a second fixed angle such that a~~ the second fixed angle is formed between the first end portion and the second end portion.

2. (Currently Amended) The ~~device~~ method according to Claim 1, ~~wherein further comprising implanting the first end portion is operable to be implanted into a phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.~~

3. (Currently Amended) The ~~device~~ method according to Claim 1, ~~wherein further~~

comprising implanting the second end portion ~~is operable to be implanted~~ into a phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

4. (Currently Amended) The ~~device~~ method according to claim 1, wherein the first end portion has a surface portion for facilitating insertion into a proximal phalange.

5. (Currently Amended) The ~~device~~ method according to claim 4, wherein the surface portion comprises a threaded surface.

6. (Currently Amended) The ~~device~~ method according to claim 1, wherein the first end portion has a surface portion for facilitating retention within a proximal phalange.

7. (Currently Amended) The ~~device~~ method according to claim 6, wherein the surface portion comprises a threaded surface.

8. (Currently Amended) The ~~device~~ method according to claim 1, wherein the second end portion has a surface portion for facilitating insertion into an intermediate phalange.

9. (Currently Amended) The ~~device~~ method according to claim 8, wherein the surface portion comprises a structure selected from the group consisting of shoulders, ribs, helixes, and combinations thereof.

10. (Currently Amended) The ~~device~~ method according to claim 1, wherein the second end portion has a surface portion for facilitating retention within an intermediate phalange.

11. (Currently Amended) The ~~device~~ method according to claim 10, wherein the surface portion comprises a structure selected from the group consisting of shoulders, ribs, helixes, and combinations thereof.

12. (Currently Amended) The ~~device~~ method according to claim 1, wherein further comprising selecting the resorbable material is selected from the group consisting of polylactic acid, polyglycolic acid, and combinations thereof.

13. (Currently Amended) The ~~device~~ method according to claim 1, wherein the member is substantially cylindrical.

14. (Currently Amended) The ~~device~~ method according to claim 1, wherein the angle is substantially anatomically correct.

15. - 25. (Cancelled)

26. (Previously Presented) A method for an operative procedure for fusing a first phalange to a second adjacent phalange, comprising:

providing a bore in a distal end of the first phalange;

providing a bore in a proximal end of the second phalange;

providing a device comprising a substantially elongated member comprised of a resorbable material;

wherein the member has a first end portion, a middle portion, and second end portion spaced and opposed from the first end portion;

wherein the middle portion has a bend formed during the operative procedure by a user such that the first end portion and the second end portion have a fixed angle towards one another; and

inserting the device into the bore in the distal end of the first phalange and into the bore in the proximal end of the second phalange.

27. (Previously Presented) The method according to Claim 26, wherein providing a bore includes providing a bore in the first phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

28. (Previously Presented) The method according to Claim 26, wherein providing a bore includes providing a bore in the second phalange selected from a group consisting of proximal phalanges, intermediate phalanges, or distal phalanges.

29. (Currently Amended) A method for inserting a device for insertion into a first phalange and a second adjacent phalange during an operative procedure so as to fuse the first phalange to the second phalange, comprising:

providing a substantially rigid elongated member comprised of a resorbable material;

~~wherein the member has~~ engaging a first end portion ~~for engaging of the member in~~ the first phalange, a middle portion, and engaging a second end portion ~~for engaging in~~ the second phalange spaced and opposed from the first end portion;

~~wherein the forming a middle portion has to have a fixed curvature such that and adjusting a fixed angle may be adjustable~~ during the operative procedure between the first end portion and the second end portion.

30. (Cancelled)

31. (Cancelled)

32. (Previously Presented) The method of claim 26, wherein forming the curvature includes:

heating the middle portion to a selected temperature;

bending the middle portion; and

cooling the middle portion.

33. (Previously Presented) An apparatus to cause a fusion between two phalanges in a body, comprising:

a substantially single piece elongated cylindrical member having a first end and a second end interconnected by a middle portion;

a helical thread formed on the first end, wherein twisting the substantially single piece elongated cylindrical member is operable to advance the substantially single piece elongated cylindrical member into one of the two phalanges;

a barb extending from the second end of the substantially single piece elongated cylindrical member, wherein the barb engages the other of the two phalanges to assist in holding the substantially single piece elongated cylindrical member relative thereto.

34. (Previously Presented) The apparatus of claim 33, wherein the middle portion is operable to be deformed by a user during an implantation procedure.

35. (Previously Presented) The apparatus of claim 33, wherein middle portion is produced at a first angle and deformed by a user at a later time to a second angle prior to use of the apparatus.

36. (Previously Presented) The apparatus of claim 33, wherein the substantially single piece elongated cylindrical member is formed of a resorbable material.

37. (Previously Presented) A method for an operative procedure for fusing a first phalange to a second adjacent phalange with a resorbable device, comprising:

forming a bore in the first phalange;

forming a bore in the second phalange;

providing a thread on a first end of the device;

providing a barb on the second end of the device;

determining an appropriate angle between the first end to be positioned relative to the bore of the first phalange and the second end to be positioned relative to the bore of the second phalange during an operative procedure;

forming the determined angle in the device;

threading the first end of the device into the bore of the first phalange; and

pushing the second end of the device including the barb into the bore formed in the second phalange.

38. (Previously Presented) The method of claim 37, wherein forming the angle includes forming an anatomically appropriate angle.

39. (Previously Presented) The method of claim 37, further comprising:

forming the device as a substantially elongated cylinder.

40. (Previously Presented) The method of claim 37, further comprising:

forming the device of a resorbable material.